

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DERRICK ISAAC,**

**Plaintiff,**

**vs.**

**VALMONT INDUSTRIES, d/b/a  
Nebraska Central Tubing,**

**Defendant.**

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**CASE NO. 8:05CV492**

**ORDER**

This matter is before the Court on the Motion to File First Amended Complaint and Request for Jury Trial filed by Plaintiff Derrick Isaac (Filing No. 10). Isaac's motion was filed in response to the Motion to Dismiss Count III of Plaintiff's Complaint (Filing No. 4) filed by Defendant Valmont Industries. (Filing No. 4). Having reviewed the motions and the proposed amended complaint (Filing No. 11 at Exhibit B), I find that Plaintiff should be given leave to file the proposed amended complaint. Accordingly,

**IT IS ORDERED:**

1. Plaintiff's Motion to File First Amended Complaint and Request for Jury Trial (Filing No. 10) is granted;
2. Plaintiff is directed to file an executed First Amended Complaint in the form set forth in Filing No. 11 at Exhibit B, on or before Friday, December 16, 2005; and
3. Upon the filing of the First Amended Complaint, the Defendant's Motion to Dismiss Count III shall be denied as moot.

Dated this 12<sup>th</sup> day of December, 2005.

**BY THE COURT:**

s/Laurie Smith Camp  
United States District Judge